

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

BARBARA KALANIKIEKIE KAAPUNI;)	CIVIL NO. 04-00449 SOM
JON HANS KAAPUNI, SR., PAMELA)	
NOHOLANI KAAPUNI; JOHN HANS)	ORDER GRANTING MOTION FOR
KAAPUNI, JR.; FALLON)	ENTRY OF JUDGMENT
KALANIKIEKIE KAAPUNI; and)	
TYRAH NOHOLANI KAAPUNI by her)	
best friend JOHN HANS)	
KAAPUNI, SR.,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
CARLTON HELM, in his)	
individual capacity; STAG)	
SAGARIO, in his individual)	
capacity; CHRISTINA WILLIAMS,)	
in her individual capacity;)	
JAMIE WINFREY, in her)	
individual capacity, HAROLD)	
MANAOIS, in his individual)	
capacity, KEANA BROWN, in her)	
individual capacity; and the)	
COUNTY OF MAUI,)	
)	
Defendants.)	
)	

ORDER GRANTING MOTION FOR ENTRY OF JUDGMENT

On March 15, 2016, almost ten years after this court's last mandate in the litigation, Defendants filed this motion to renew the judgment entered by this court against the Plaintiffs on June 16, 2006, on the ground that the judgment has not been satisfied. See ECF No. 145, PageID # 347. Plaintiffs do not oppose Defendants' motion.

For the following reasons, Defendants' motion is granted.

In 2004, Plaintiffs brought suit against Defendants asserting various claims relating to Defendants' execution of search warrants for Jon Kaapuni, Jr., and the property believed to be his residence. See ECF No. 90. Defendants prevailed on all claims and Judgment was entered against Plaintiffs on June 16, 2006. See ECF No. 124. Pursuant to the Judgment, Defendants were awarded costs totaling \$8,337.45. See ECF No. 130.

On December 27, 2006, a Garnishee Order for Property in Possession of Garnishee was issued against Plaintiffs in the amount of \$5,085.00. See ECF No. 143. The Garnishee Order was credited to the Judgment, leaving an outstanding principal balance of \$3,252.45. See ECF No. 145-1, PageID # 353.

Defendants bring the present motion to renew the June 2006 Judgment. Under Haw. Rev. Stat. § 636-3, "Any money judgment, order, or decree of a state court or the United States District Court for the District of Hawaii shall be a lien upon real property" when a certified copy is recorded in the bureau of conveyances. Haw. Rev. Stat. § 636-3. However, "No such lien shall continue beyond the length of time the underlying judgment, order, or decree is in force." Id.

Haw. Rev. Stat. § 657-5 provides that, "Unless an extension is granted, every judgment and decree of any court of the State shall be presumed to be paid and discharged at the expiration of ten years after the judgment or decree was

rendered.” Haw. Rev. Stat. § 657-5. “No extension of a judgment or decree shall be granted unless the extension is sought within ten years of the date the original judgment or decree was rendered.”

Defendants allege that they are still owed a principal sum of \$3,252.45, plus interest in the amount of \$1,568.25, on the Judgment, for a total amount of \$4,820.70. See ECF No. 145-1, PageID #s 353-54. Defendants assert that they are entitled to interest pursuant to 28 U.S.C. § 1961(a). This statute provides:

Interest shall be allowed on any money judgment in a civil case recovered in a district court. . . . Such interest shall be calculated from the date of the entry of the judgment, at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding[] the date of the judgment.

See id. Plaintiffs have not challenged the amounts they allegedly owe.

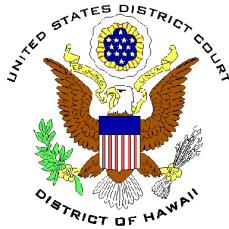
Nor do Plaintiffs challenge the timeliness of Defendants’ motion. Defendants’ motion was brought on March 15, 2016, within ten years of the Judgment issued on June 16, 2006. For the purposes of Haw. Rev. Stat. § 636-3 and Haw. Rev. Stat. § 657-5, the Judgment against Plaintiffs has not expired and Defendants’ motion is timely.

The court there grants Defendants’ unopposed Motion for Entry of Judgment. Judgement is renewed against Plaintiffs in

the new principal amount of \$4,820.70.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, April 18, 2016.



/s/ Susan Oki Mollway

Susan Oki Mollway
United States District Judge